

SB 33-FN - AS INTRODUCED

2025 SESSION

25-0212

11/08

SENATE BILL **33-FN**

AN ACT relative to the regulation of public school materials.

SPONSORS: Sen. Avard, Dist 12; Sen. Lang, Dist 2; Sen. Gannon, Dist 23; Sen. McGough, Dist 11; Sen. Murphy, Dist 16; Sen. Pearl, Dist 17; Rep. Kofalt, Hills. 32; Rep. Pauer, Hills. 36; Rep. Sirois, Hills. 32; Rep. Cordelli, Carr. 7

COMMITTEE: Education

ANALYSIS

This bill requires local school districts to adopt and publicly post policies describing materials authorized for use by students in the district and outlining procedures to address complaints alleging that material is harmful or age-inappropriate for use in the district's schools.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to the regulation of public school materials.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Short Title. This act shall be known as the Right To Challenge Act.

2 2 New Subdivision; Prohibition of Materials Harmful to Minors in Schools. Amend RSA 189 by
3 inserting after section 74 the following new subdivision:

4 Prohibition of Materials Harmful to Minors in Schools

5 189:74-a Prohibition of Materials Harmful to Minors in Schools.

6 I. For purposes of this section, "material" shall mean any printed matter, visual
7 presentation, web-based content, live performance, or sound recording, including, but not limited to,
8 books, magazines, motion picture films or videos, pamphlets, phonographic records, pictures,
9 drawings, photographs, figures, statues, plays, dances, or other representations that are provided by
10 the school district or by school employees, volunteers, guests, or speakers.

11 II. No later than November 1, 2026, each local school board shall adopt a policy describing
12 the materials that are authorized to be used by, circulated to, and/or accessed by, students in the
13 local school district. The policy shall be posted on the district website.

14 III. No later than November 1, 2026, each local school board shall adopt a procedure to be
15 used to address complaints submitted by parents or guardians alleging that material that is harmful
16 to minors, age-inappropriate, or otherwise offensive or inappropriate for use in the child's school.
17 The policy shall be posted on the district website. At a minimum, the complaint resolution process
18 shall provide that:

19 (a) Complaints be submitted in writing to the principal of the school where the student
20 is enrolled, contain a reasonably detailed description of the material that is alleged to be harmful to
21 minors, and propose an action to be taken by the school district relative to the material.

22 (b) The school principal or designee take reasonable steps to investigate the allegations
23 in the complaint, including, but not limited to, reviewing the material complained of, meeting with
24 the parent or guardian who submitted the complaint in person, or communicating with the parent or
25 guardian by email or telephone, within 10 school days of receipt of the complaint.

26 (c) The school principal or designee determine whether the material that is the subject of
27 the complaint is harmful to minors, age-inappropriate, or otherwise offensive or inappropriate for
28 use in the child's school or for use in the context in which the material is being used.

29 (d) The school principal or designee, within 15 school days of receipt of the complaint,
30 determine whether student access to, or use of, the material that is the subject of the complaint will

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1 remain in place without change, be removed, be restricted, be modified, or have other action taken
2 with respect to the material.

3 (e) The school principal or designee, within 5 calendar days of making the determination
4 required in subparagraph (d), provide a written response to the complainant explaining his or her
5 decision, which includes:

6 (1) Whether the material has been determined to be harmful to minors, age-
7 inappropriate, or otherwise offensive or inappropriate for use in the child's school;

8 (2) A description of why the principal or designee reached his or her conclusions; and

9 (3) An explanation of the value the principal or designee finds the material provides.

10 (f) The complainant may appeal the determination of the principal or designee to the
11 school board within 20 calendar days of receipt of the determination of the principal or designee, or
12 at the next regularly scheduled meeting of the school board, whichever comes first.

13 (g) The local school board shall permit the parent or guardian to be heard as part of the
14 agenda at a regularly scheduled board meeting.

15 (h) The school board shall make the challenged material available to the public by
16 placing a copy of the work and instructions describing how to access the work at the front reception
17 desk of the school building where the work was found.

18 (i) Within 15 calendar days of the meeting at which the appeal is heard, the local school
19 board issue a written decision that:

20 (1) Is signed by all school board members voting in the majority to affirm, reverse or
21 modify the decision of the principal;

22 (2) Contains a certification signed by each school board member affirming that
23 before voting on the matter, the school board member has personally familiarized himself or herself
24 with the with the material in question; and

25 (3) Describes the reason or reasons for the school board's decision with reference to:

26 (A) Whether the material has been determined to be harmful to minors, age-
27 inappropriate, or otherwise offensive or inappropriate for use in the child's school;

28 (B) A description of why the school board reached its conclusions; and

29 (C) An explanation of the value the school board finds the material provides.

30 IV. All decisions of the principal or designee and the school board, and any communications
31 relating thereto, shall be considered public records pursuant to RSA 91-A.

32 3 Effective Date. This act shall take effect upon its passage.

LBA
25-0212
12/4/24

**SB 33-FN- FISCAL NOTE
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AN ACT relative to the regulation of public school materials.

FISCAL IMPACT:

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable		

METHODOLOGY:

This bill requires local school districts to adopt and publicly post policies describing materials authorized for use by students in the district and outlining procedures to address complaints alleging that material is harmful or age-inappropriate for use in the district's schools. Costs, if any, to comply with the provisions of this bill are indeterminable and would vary from district to district.

AGENCIES CONTACTED:

None